

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-13 are currently pending. Claims 1-6, 8, and 9 have been amended; and Claim 13 has been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 6, 8, 10, and 12 were objected to regarding the abbreviations “POP3” and “MIME”; Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph, regarding the terms “the other lines,” “data structure definition,” and “data element”; Claims 1-5 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,757,714 to Hansen (hereinafter “the ‘714 patent”) in view of U.S. Patent No. 6,182,281 to Nackman et al. (hereinafter “the ‘281 patent”) and U.S. Patent No. 6,711,624 to Narurkar et al. (hereinafter “the ‘624 patent”); and Claims 6-8 and 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘714, ‘281, and ‘624 patents, further in view of U.S. Patent No. 5,826,023 to Hall et al. (hereinafter “the ‘023 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on March 8, 2005, at which time a proposed amendment to Claim 1 was discussed. At the conclusion of the interview, the Examiner indicated that the proposed response would likely overcome the outstanding rejection of the claims. However, no formal agreement was reached pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Regarding the objections to the claims, Claims 6 and 8 have been amended to clarify the meaning of the abbreviations recited therein. Accordingly, the objection to the claims is believed to have been overcome.

Applicants respectfully submit that the rejection of the claims under 35 U.S.C. § 112, second paragraph, is rendered moot by the present amendment to the claims. Claims 1 and 3 have been amended to delete the phrase “the other lines.” Further, the claims have been amended to no longer recite a data structure *definition*. Rather, the claims now recite a data structure *type*, which is supported, e.g., by paragraph 122 of the specification. Further, regarding the term “data element,” Claims 5 and 9 have been amended to clarify that the read data elements are stored in a data structure. Further, Applicants note that Tables 4 and 5 in the specification give examples of the storage of data elements of two different types.

Amended Claim 1 is directed to a method of receiving information concerning a remotely monitored device, the information being contained in a message that also includes the message type designation, the method comprising: (1) parsing a line from the message to extract the message type designation; (2) determining a data structure type based on the message type designation; (3) reading data elements from the message; and (4) storing the read data elements in a data structure of the determined data structure type. Claim 1 has been amended to clarify the step of determining a data structure type and the step of storing the read data elements in a data structure of the determined data structure type. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the ‘714 patent discloses everything in Claim 1 with the exception of determining a data structure definition (or type) based on the message type designation and inserting (or storing) the read elements into a data structure of the determined data structure type, and relies on the ‘281 and ‘624 patents to remedy those deficiencies.

The ‘714 patent is directed to a system in which a device is embedded in an apparatus such that the embedded device detects the state of the apparatus and generates an electronic

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<sup>1</sup> See, e.g., Fig. 15a and the discussion related thereto in the specification, particularly paragraphs 119-128. See also Tables I and II for examples of the claimed message, and Tables IV and V for examples of the claimed data structure of the determined data structure type.

mail message that reports the state of the apparatus to a remote computer. The '714 patent discloses that the remote computer receives the electronic mail message and extracts the state of the embedded device from the message. Further, the '714 patent discloses that an XML parser 45 parses XML code in the received e-mail to extract variable values by recognizing field names such as "name" and "value" to extract the corresponding state variable values from those fields.<sup>2</sup> However, as admitted in the Office Action, the '714 patent fails to disclose determining a data structure type based on the message type designation and storing read data elements in a data structure of the determined data structure type, as recited in amended Claim 1. Rather, the '714 patent merely discloses the parsing of an e-mail to obtain a state variable value by recognizing the "name" and "value" field names.

The '281 patent is directed to an enhanced compiler for compiling C++ programs without the use of forward declarations normally included in program header files. The '281 patent discloses a compiler for parsing lines of C++ source codes. However, Applicants respectfully submit that the '281 patent is nonanalogous art and is unrelated to the parsing of a message received from a remotely monitored device. Further, Applicants respectfully submit that the '281 patent fails to disclose determining a data structure type based on the message type designation and storing read data elements in a data structure of the determined data structure type, as recited in amended Claim 1. While C++ source code likely contains declarations of variables used by the software, the '281 patent does not disclose storing data elements read from a message in a data structure of a determined type, wherein the determined type is based on a message type designation included in the message, as recited in Claim 1.

The '624 patent is directed to a method of dynamically loading driver interface modules for exchanging data between data hosts. The '624 patent discloses that the method

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<sup>2</sup> See '714 patent, col. 6, lines 43-51.

includes transferring a data block from a source host having an internal source data format to a designation host having an internal destination format different from the source data format. Thus, the '624 patent discloses storing data in a table, as shown in Fig. 10A, and parsing data received from a source host, as shown in Fig. 11A. However, Applicants respectfully submit that the '624 patent fails to disclose determining a data structure type based on a message type designation, and storing read data elements in a data structure of the determined data structure type, as recited in amended Claim 1. The '624 patent is silent regarding the determination of a data structure type based on a message type designation.

Thus, no matter how the teachings of the '714, '281, and '624 patents are combined, the combination does not teach or suggest the determining and storing steps recited in amended Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claim 2) under 35 U.S.C. § 103.

In the outstanding Office Action, the stated motivation for combining the teachings of the '714, '281, and '624 patents is so that "newly added declarations have been recorded and are available for subsequent look up," and that "parsing alone is insufficient since interfaces can be dependent upon constant expressions, which can themselves depend upon the sizes of data definitions that are held in a manager type module," and "because parsing module would collapse multiple successive spaces on each of the text lines into single spaces therefore saving space for the insertion of other parsed information to be inserted."<sup>3</sup> However, Applicants respectfully submit that the Office Action is simply stating perceived advantages of Applicants' invention, without identifying that one of ordinary skill in the art would even have thought to have addressed the problem. Such hindsight reconstruction of Applicants' invention could not be used to establish a *prima facie* case of obviousness. Accordingly, for

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<sup>3</sup> See pages 5 and 6 of the Office Action dated December 21, 2004.

this additional reason, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claim 2) under 35 U.S.C. § 103.

Independent Claims 3, 5, and 9 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejection of Claims 3, 5, and 9 (and all similar rejected dependent claims) as obvious under 35 U.S.C. § 103.

Regarding the rejection of dependent Claims 6-8 and 10-12 under 35 U.S.C. § 103, Applicants respectfully submit that the '023 patent fails to remedy the deficiencies of the '714, '281, and '624 patents, as discussed above. Accordingly, Applicants respectfully traverse the rejection of Claims 6-8 and 10-12 under 35 U.S.C. § 103.

The present amendment also sets forth new Claim 13 for examination on the merits. New Claim 13, which depends from Claim 1, recites that the message type designation represents one of configuration information and status information of the remotely monitored device. Claim 13 is supported by the originally filed specification and does not add new matter.<sup>4</sup>

Thus, it is respectfully submitted that independent Claims 1, 3, 5, and 9 (and all associated dependent claims) patentably define over any proper combination of the '714, '281, '624, and '023 patents.

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<sup>4</sup> See, e.g., page 66 of the specification.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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